

103^D CONGRESS
1ST SESSION

H. R. 3215

To amend title I of the Employee Retirement Income Security Act of 1974 to clarify remedies against unauthorized termination or reduction of benefits under group health plans provided upon retirement.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1993

Mr. MURPHY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to clarify remedies against unauthorized termination or reduction of benefits under group health plans provided upon retirement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retiree Health Bene-
5 fits Protection Act of 1993”.

1 **SEC. 2. TERMINATION OR REDUCTION IN BENEFITS PRO-**
2 **VIDED UPON RETIREMENT.**

3 (a) IN GENERAL.—Part 6 of subtitle B of title I of
4 the Employee Retirement Income Security Act of 1974
5 (29 U.S.C. 1161 et seq.) is amended by adding at the end
6 the following new section:

7 **“SEC. 610. TERMINATION OR REDUCTION IN BENEFITS**
8 **PROVIDED UPON RETIREMENT.**

9 “(a) GENERAL RULE.—Subject to subsection (b),
10 benefits provided under a group health plan with respect
11 to a participant upon the participant’s retirement based
12 on age, service, disability, or any combination thereof may
13 not thereafter be terminated or reduced.

14 “(b) EXCEPTION FOR LIMITATIONS PROVIDED BY
15 PLAN.—Subsection (a) shall not apply with respect to any
16 termination or reduction in benefits to the extent that—

17 “(1) the terms of the plan, as in effect on the
18 date of such retirement, provide for such termi-
19 nation or reduction, and

20 “(2) written notice of such terms providing for
21 such termination or reduction has been provided to
22 the participant on or before such date.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1 of such Act is amended by inserting after the
25 item relating to section 609 the following new item:

“Sec. 610. Termination or reduction in benefits provided upon retirement.”.

1 **SEC. 3. RULES GOVERNING LITIGATION INVOLVING THE**
2 **TERMINATION OR REDUCTION OF BENEFITS**
3 **PROVIDED UPON RETIREMENT.**

4 (a) CAUSE OF ACTION.—Section 502(a) of the Em-
5 ployee Retirement Income Security Act of 1974 (29
6 U.S.C. 1132(a)) is amended—

7 (1) in paragraph (5), by striking “or” at the
8 end;

9 (2) in paragraph (6), by striking the period and
10 inserting “; or”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(7) by a participant, beneficiary, or fiduciary,
14 or by an employee organization on behalf of one or
15 more participants or beneficiaries, to enjoin any act
16 or practice which violates section 610.”.

17 (b) RELATED PROVISIONS.—Section 502 of such Act
18 is further amended by adding at the end the following new
19 subsection:

20 “(m)(1) In any action under subsection (a)(7), if the
21 plaintiff has received notice of a termination or reduction
22 in benefits described in section 610(a) and has reason to
23 believe that such termination or reduction is not provided
24 for in the terms of the plan, the court shall, upon proper
25 showing—

1 “(A) grant a temporary injunction or restrain-
2 ing order against such termination or reduction
3 without bond, pending a final decision, and

4 “(B) grant a permanent injunction against such
5 termination or reduction or other appropriate equi-
6 table relief unless a defendant in such action estab-
7 lishes by a preponderance of the evidence that the
8 requirements of section 610(b) are met with respect
9 to such termination or reduction.

10 “(2) An employee organization may intervene on be-
11 half of a participant or beneficiary in any action brought
12 under subsection (a)(7) by such participant or bene-
13 ficiary.”.

14 **SEC. 4. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply to ac-
16 tions relating to terminations or reductions in benefits
17 which are pending or commenced on or after the date of
18 the enactment of this Act.

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